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 7 ConocoPhillips Company  
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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 HOUTAN PETROLEUM, INC.	)	Case No. 3:07-cv-5627 SC
12 Plaintiff,	)	<u>CONOCOPHILLIPS COMPANY'S</u>
13 vs.	)	<u>MOTION IN LIMINE NO. 4</u>
14 CONOCOPHILLIPS COMPANY, a Texas	)	<u>RE: EXCLUSION OF LAY OPINION AND</u>
15 corporation and DOES 1 through 10,	)	<u>CONCLUSION TESTIMONY BY</u>
Inclusive	)	<u>PLAINTIFF'S EMPLOYEES</u>
16 Defendants.	)	Pretrial Conference: February 6, 2008
	)	Time: 10:00 a.m.
	)	Courtroom: 1
	)	Before: Hon. Samuel Conti
	)	Trial Date: February 11, 2008

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 20 Defendant and Counter-Plaintiff ConocoPhillips Company ("ConocoPhillips") hereby  
 21 moves in limine for an order precluding plaintiff's current or past employees, including Ed  
 22 Haddad, from testifying at trial to any opinions or conclusions.

23 **I. ARGUMENT**

24 In support of its motion for preliminary injunction, Plaintiff submitted a declaration from  
 25 its president, Ed Haddad, in which Mr. Haddad opined that the value of the structures,  
 26 improvements and equipment at issue "does not exceed \$120,000." (Docket No. 5 ¶ 22.) He  
 27 provided no foundation for this opinion, or even the calculations or evaluative methodology on  
 28 which it is based. (*Id.*) Such speculation is insufficient and inadmissible to contradict, or

1 establish a valuation alternative to, the appraisal on which ConocoPhillips based its bona fide  
2 offer. *See Mohammed v. Chevron U.S.A. Inc.*, 738 F. Supp. 1383, 1385 (M.D. Fla. 1990). Mr.  
3 Haddad is not a qualified appraiser, and has not been disclosed as an expert witness in this  
4 matter, and the Court should not permit incompetent expert testimony regarding the value of  
5 ConocoPhillips' property.

6 **II. CONCLUSION**

7 Mr. Haddad's conclusions and opinions about the value of the station property are based  
8 on speculation and should therefore be precluded.

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10 Dated: January 29, 2008

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By   
Attorneys for Defendant and Counter-  
Plaintiff ConocoPhillips Company